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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/281,909

03/31/99

DONIG

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2565/47

EXAMINER

IM22/0609

RICHARD L MAYER ESQ  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

KIM, S

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

06/09/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/281,909**

Applicant(s)  
**Donig et al.**

Examiner  
**John Kim**

Group Art Unit  
**1723**



☒ Responsive to communication(s) filed on May 6, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) 1-9 and 13-19 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 10-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's election with traverse of Group II (claims 10-12) in Paper No. 7 is acknowledged. The traversal is on the ground(s) that all claims are directed to a single problem to be solved and have common limitations and searches for claims in Groups I and III would overlap. This is not found persuasive because the inventions are distinct from each other for the reasons cited in Paper No. 6.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-9 and 13-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 7.

3. The disclosure is objected to because of the following informalities: Page 8 of the specification is a blank page.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/25214 (hereinafter referred to as WO '214). WO '214 teaches a connector in a form of a bottle cap (370) connecting a bottle containing solution ingredients to a dialysis machine wherein the bottle cap (370) has a touch button (32) with coded information and the bottle having a bar code affixed to the bottle for identifying the bottle (see page 43, line 2 - page 46, line 8).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '214. Claim 12 differs from the connector of WO '214 in reciting that the bar code runs circumferentially. WO '214 teaches that the bar codes may be affixed in any suitable manner to the sides of bottle (see page 46, lines 4-5). It would have been obvious to a person of ordinary skill in the art to affix bar code circumferentially on the bottle in order to detect the bar code by a detector at any angle.

8. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,540,265 (hereinafter referred to Polaschegg et al). Polaschegg et al teach a connector in a form of a plug with a code identifying the contents of bag for connecting to a dialysis machine (see col. 2, lines 63-67; col. 10, lines 56-64).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 305-3599, and the fax phone number for all other official faxes is (703) 305-7718.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

  
John Kim  
Primary Examiner  
Art Unit 1723

J. Kim  
June 8, 2000